

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS)	
INTERNATIONAL GMBH,)	
CEPHALON, LLC, and EAGLE)	
PHARMACEUTICALS, INC.,)	Redacted - Public Version
)	
Plaintiffs,)	
)	
v.)	C.A. No. 23-490-JLH
)	CONSOLIDATED
BENDARX USA CORP.,)	
)	
Defendant.)	
_____)	

STIPULATION AND [PROPOSED] ORDER

Pursuant to Fed. R. Civ. P. 41, Plaintiffs Teva Pharmaceuticals International GmbH, Cephalon, LLC, and Eagle Pharmaceuticals, Inc. (collectively, “Plaintiffs”) and Defendant BendaRx USA Corp. (“BendaRx”) by their undersigned counsel, stipulate and agree as follows:

WHEREAS, after receiving Notice of Paragraph IV Certifications, Plaintiffs filed Complaints (C.A. No. 23-490-JLH, D.I. 46; C.A. No. 23-633-JLH, D.I. 1; C.A. No. 24-395-JLH, D.I. 1) against BendaRx in the above-captioned actions, asserting infringement of U.S. Patent Nos. 8,791,270 (the “’270 Patent”), 8,609,863 (the “’863 Patent”), 8,895,756 (the “’756 Patent”), and 8,461,350 (the “’350 Patent”), among others;

WHEREAS, in the parties’ prior stipulation (D.I. 93),

; and

WHEREAS,

;

NOW THEREFORE, Plaintiffs and BendaRx hereby stipulate and agree, subject to the approval of the Court, as follows:

1. Counts V, VI, IX, X, XIII, XIV, XVII, and XVIII of Plaintiffs' Complaints in C.A. Nos. 23-490-JLH (C.A. No. 23-490-JLH, D.I. 46) and Counts V, VI, IX, X, XIII, XIV, XXI, and XXII in C.A. Nos. 23-633-JLH and 24-395-JLH (C.A. No. 23-633-JLH, D.I. 1; C.A. No. 24-395-JLH, D.I. 1) asserting infringement of the '270 Patent, '863 Patent, '756 Patent, and '350 Patent in connection with the products that are the subject of NDA No. 215291 are dismissed without prejudice;

2. BendaRx's defenses and counterclaims related to infringement and validity of the '270 Patent, '863 Patent, and '756 Patent, and '350 Patent including at least Counterclaims V, VI, IX, X, XIII, XIV, XVII, and XVIII (C.A. No. 23-490-JLH, D.I. 50) are dismissed without prejudice.

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Dated: January 6, 2025

IT IS SO ORDERED this _____ day of _____, 2025.

United States District Judge